

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and

THE PEOPLE OF THE STATE OF NEW  
YORK, by LETITIA JAMES,  
Attorney General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING  
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited  
liability company;

PREVAGEN, INC., a corporation  
d/b/a SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE  
MANUFACTURING, LLC, a limited liability  
company;

MARK UNDERWOOD, individually and as  
an officer of QUINCY BIOSCIENCE  
HOLDING COMPANY, INC., QUINCY  
BIOSCIENCE, LLC, and PREVAGEN, INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**DECLARATION OF  
GLENN T. GRAHAM**

I, Glenn T. Graham, declare as follows:

1. I am a member of the Bars of the States of New York and New Jersey, and am special counsel with the law firm of Kelley Drye & Warren LLP. I submit this declaration in support of defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., Quincy Bioscience Manufacturing, LLC, and Mark Underwood's (collectively

“Defendants”) Brief in Reply to Plaintiffs’ Opposition to a Jury Trial and in support of Defendants’ request for a jury trial.

2. Attached hereto as **Exhibit A** is an email chain dated May 22, 2019 through May 24, 2019 between Plaintiffs’ counsel and Defendants’ counsel (the “May 2019 Email Chain”).

3. Attached hereto as **Exhibit B** is a draft of the parties’ joint Fed. R. Civ. P. 26(f) report as referenced in the May 2019 Email Chain.

4. Attached hereto as **Exhibit C** are excerpts from the December 14, 2020 conference with the Court.

5. Attached hereto as **Exhibit D** are excerpts from the transcript of the January 29, 2021 deposition of the FTC’s Rule 30(b)(6) designee, Rosemary Rosso.

6. Attached hereto as **Exhibit E** are the Amended Objections and Responses of Plaintiff the People of the State of New York by Letitia James, Attorney General of the State of New York (“NYAG”) to Defendants’ First Interrogatories to the NYAG, dated January 22, 2021.

7. Attached hereto as **Exhibit F** is a copy of the publicly available online docket in *AMG Capital Management, LLC v. Federal Trade Commission*, No. 19-508 (U.S. petition filed Oct. 18, 2019), available at [www.supremecourt.gov](http://www.supremecourt.gov) (last accessed March 3, 2021) (“*AMG Capital Management*”).

8. Attached hereto as **Exhibit G** is a copy of the transcript from the January 13, 2021 hearing in *AMG Capital Management*.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 5, 2021.



GLENN T. GRAHAM